

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED

JUL 13 2005

ROBERT TAPIA, WARDEN  
BY                       
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

JOSEPH HEARN,  
Petitioner

CIVIL ACTION  
SECTION "P"  
NO. CV04-2402-A

VERSUS

ROBERT TAPIA, WARDEN,  
Respondents

JUDGE DEE D. DRELL  
MAGISTRATE JUDGE JAMES D. KIRK

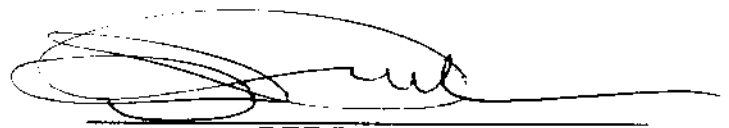
**J U D G M E N T**

For the reasons contained in the report and recommendation of the magistrate judge previously filed herein, and after a de novo review of the entire record and the written objections filed herein, and concurring with the magistrate judge's findings under the applicable law;

IT IS ORDERED that Hearn's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DENIED and DISMISSED WITH PREJUDICE.

In his objections, petitioner has cited *Moreland v. Federal Bureau of Prisons*, 363 F. Supp. 2d 882 (S.D. TX, 2005) for authority. That case is, however, neither controlling nor persuasive, particularly since the decision in *Sample v Morrison*, 406 F.3d 310 (5th Cir. 2005) and other Southern District of Texas cases: *Stewart v. U.S. Bureau of Prisons*, 2005 WL 1155123 (S.D. TX, 2005), and *Morales v. U.S. Bureau of Prisons*, 2005 WL 1155125 (S.D. TX, 2005).

SIGNED on this 13<sup>th</sup> day of July, 2005 at Alexandria, Louisiana.



DEE D. DRELL  
UNITED STATES DISTRICT JUDGE